

Remarks

This paper is being filed in response to the Office Action mailed December 2, 2003. Claims 19-32 are pending. Claims 1-18 were cancelled without prejudice in a previously filed paper. Independent claims 19 and 24 have been amended, and dependent claims 29-32 have been added.

The Examiner has rejected applicant's claims 19, 21-24 and 26-28 under 35 U.S.C. § 102(e) as being anticipated by Tanaka (U.S. Patent No. 6,329,964). The Examiner has rejected applicant's claims 20 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Shimada (U.S. Patent No. 5,640,171). With respect to applicant's claims, as amended, the Examiner's rejections are respectfully traversed.

Applicant's independent claims 19 and 24 have been amended to more clearly define the present invention. More particularly, applicant's independent claims 19 and 24 are directed to a display apparatus and corresponding method, respectively, for displaying a first image for a left eye and a second image for a right eye, including first and second detecting elements for detecting brightness around the left and right eye and first and second brightness adjusting units adapted to adjust image brightness based on detected brightness. Furthermore, these claims now have been amended to recite that the first detecting element is allocated on the lower side of a first display window which displays the first image, and the second detecting element is allocated on the lower side of a second display window which displays the second image. The structure of the present invention permits varying the brightness of the image plane of each of the left and right display means according to the brightness of the ambient light of the right and left display means, independently of each other. Such construction is not taught or suggested by the references cited by the Examiner.

The Examiner argues:

"Tanaka discloses an apparatus including a display unit (14) adapted to display a first image for a left eye (i.e. image is displayed on the left LCD 14) and a second image for a right eye (i.e. image is displayed on the right LCD 14). Tanaka teaches a first detecting element (left element 16 or left element 81 in Figure 8) adapted to detect a brightness around the left eye and a second detecting element (right element 16 or right element 81 in Figure 8) adapted to detect a brightness around the right eye... Tanaka teaches a first brightness adjusting unit (left unit 17) adapted to adjust a brightness of the first image according [to] the brightness detected by the first detecting element... and a second brightness adjusting unit (right unit 17) adapted to adjust a brightness of the [second] image according [to] the brightness detected by the second detecting element..."

Applicant's understanding is that Tanaka teaches an apparatus having a display unit (14) adapted to display a first image for the left eye and a second image for the right eye. Tanaka further teaches first and second detecting elements (16 in the FIG. 3 embodiment and 81 in the FIG. 8 embodiment) adapted to detect brightness. Tanaka also teaches brightness adjusting units (17) adapted to adjust the brightness of an environmental image based on the brightness detected by the first and second detecting elements (16 or 81).

In the FIG. 3 embodiment of Tanaka, the detecting elements 16 are disposed outside the field of vision of an enlarging lenses 11 (Col. 5, lines 33-36) and, as can be seen from FIG. 3, between the lenses 11 and the display unit 14 in order to measure the brightness in this area. In the FIG. 8 embodiment, the detecting elements 81, as can be seen from FIG. 8, are disposed outside the display casing to measure external light (Col. 6, lines 30-39).

Tanaka, therefore, does not teach or suggest first and second detecting elements for detecting brightness around the left and right eyes, respectively, each allocated on the lower side of the display window. Applicants' amended claims 19 and 24, and their respective dependent claims, in reciting "wherein the first detecting element

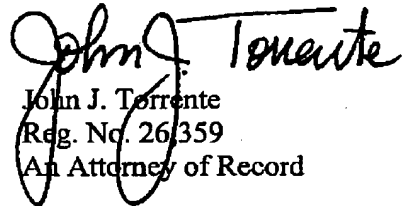
is allocated on the lower side of a first display window which displays the first image, and wherein the second detecting element is allocated on the lower side of a second display window which displays the second image", thus patentably distinguish over Tanaka. The cited Shimada patent adds nothing to Tanaka to change this conclusion.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 682-9640.

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Respectfully submitted,

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